

May 27, 2011

Mr. Michael Adackapara
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501

RE: Sector-specific General Permit for Storm Water Runoff Associated with Industrial Activities from Scrap Metal Recycling Facilities within the Santa Ana Region, Order No. R8-2011-011

Dear Mr. Adackapara:

The proposed Sector-specific General Permit for Storm Water Runoff Associated with Industrial Activities from Scrap Metal Recycling Facilities within the Santa Ana Region, Order No. R8-2011-011, has been reviewed and the following comments are offered:

1. The Permit is endeavoring to advance the practice of stormwater regulation for a specific category of industrial sites by establishing Numeric Action Levels (NALs) and Numeric Effluent Limits (NELs) as a basis for compliance. The Blue Ribbon Panel report on the feasibility of numeric effluent limits is cited selectively as part of a rationale for the NALs/NELs provisions. However, there is no mention of the Report's specific recommendations for industrial stormwater permitting, which are more limited in scope than the proposed Permit and include:

Industrial Recommendations

- *The Panel recognizes the inadequacy of current monitoring data sets and recommends improved monitoring to collect data useful for establishing Numeric Limits and Action Levels.*
- *Insofar as possible, the Panel prefers the use of California data (or National data if it can be shown to be applicable to CA) in setting Numeric Limits and Action Levels.*

Another key element of the justification for including NALs/NELs are the benchmarks established in the monitoring provisions of USEPA's *Multi-Sector General Permit for Stormwater Discharges Associated With Industrial Activity*. Regarding this permit, the discussion would benefit from the inclusion of USEPA's clear intent regarding the use of benchmarks.

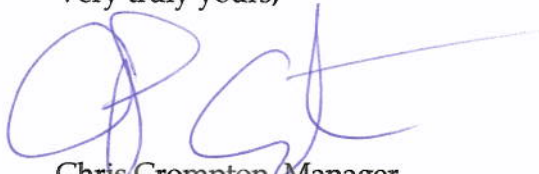
EPA notes that Part 6.2.1 emphasizes that the benchmark thresholds used for monitoring are not effluent limits, but rather information that is primarily for the use of the industrial facility to determine the overall effectiveness of the control measures and to assist in understanding when corrective actions may be necessary (Federal Register Vol. 73, No 189, September 29, 2008, pg 56574)

The inclusion of NALs/NELs in a permit on the basis of best professional judgment, rather than the approach specifically recommended by the Blue Ribbon Panel is of significant concern. This issue was considered in detail by CASQA in its April 29th letter on the Draft Industrial Stormwater NPDES General Permit issued January 28, 2011. This letter's discussion and recommended approach for NAL/NEL development is recommended to you for consideration. In addition, the industrial permitting provisions should have a clear nexus to the water quality issues that have been identified in the course MS4 monitoring (for example, elevated copper levels) consistent with the Blue Ribbon Panel recommendation noted earlier.

2. The Permit would establish a significantly more complex regulatory regime for metal recycling facilities compared to the current regulatory regime for industrial stormwater discharges. It should be recognized that the Santa Ana Region MS4 permit does not obligate the MS4 Permittees to conduct inspections in accordance with the proposed Order, nor will the MS4 Permittees be obligated to provide notifications to Regional Board staff regarding site inspections of these facilities since they would no longer be covered by the General Industrial Permit.

We appreciate the opportunity to provide comments. If you would like to discuss these comments further, please contact Richard Boon at (714) 955-0670.

Very truly yours,



Chris Crompton, Manager
Environmental Resources